



General Assembly

January Session, 2009

Raised Bill No. 6556

LCO No. 3933

03933_____FIN

Referred to Committee on Finance, Revenue and Bonding

Introduced by:
(FIN)

AN ACT CONCERNING FUNDING OF SCHOOL CONSTRUCTION PROJECTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 10-264h of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) (1) If the school building ceases to be used as an interdistrict
5 magnet school facility and the grant was provided for the purchase or
6 construction of the facility, the commissioner shall determine whether
7 (A) title to the building and any legal interest in appurtenant land shall
8 revert to the state or (B) the school district shall reimburse the state an
9 amount equal to the difference between the amount received pursuant
10 to this section and the amount the district would have been eligible to
11 receive based on the percentage determined pursuant to section 10-
12 285a multiplied by the estimated eligible project costs.

13 (2) If the school building ceases to be used as an interdistrict magnet
14 school facility and the grant was provided for the extension or major
15 alteration of the facility, the school district shall reimburse the state the

16 amount determined in accordance with subparagraph (B) of
17 subdivision (1) of this subsection. A school district receiving a request
18 for reimbursement pursuant to this subdivision shall reimburse the
19 state not later than the close of the fiscal year following the year in
20 which the request is made. If the school district fails to so reimburse
21 the state, the Department of Education may withhold such amount
22 from the total sum which is paid from the State Treasury to such
23 school district or the town in which it is located or, in the case of a
24 regional school district, the towns which comprise the school district. If
25 the amount paid from the State Treasury is less than the amount due,
26 the department may refer the matter to the Department of
27 Administrative Services for collection.

28 (3) The state reimbursement requirements of this subsection shall
29 not apply to a facility that ceases to be used as an interdistrict magnet
30 school if (A) such facility is owned by a local or regional board of
31 education, (B) prior to cessation, the interdistrict magnet school
32 program was operated by a regional education service center, and (C)
33 such facility, in its last year of operation as an interdistrict magnet
34 school, enrolled at least fifty-five per cent of its students from a single
35 town.

36 Sec. 2. Subsection (c) of section 10-264~~l~~ of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective from*
38 *passage*):

39 (c) (1) The maximum amount each interdistrict magnet school
40 program, except those described in [subparagraphs (A) and (B) of]
41 subdivision (3) of this subsection, shall be eligible to receive per
42 enrolled student who is not a resident of the town operating the
43 magnet school shall be (A) six thousand sixteen dollars for the fiscal
44 year ending June 30, 2008, (B) six thousand seven hundred thirty
45 dollars for the fiscal year ending June 30, 2009, (C) seven thousand four
46 hundred forty dollars for the fiscal year ending June 30, 2010, and (D)
47 eight thousand one hundred fifty-eight dollars for the fiscal year

48 ending June 30, 2011. The per pupil grant for each enrolled student
49 who is a resident of the town operating the magnet school program
50 shall be three thousand dollars for the fiscal year ending June 30, 2008,
51 and each fiscal year thereafter.

52 (2) For the fiscal year ending June 30, 2003, and each fiscal year
53 thereafter, the commissioner may, within available appropriations,
54 provide supplemental grants for the purposes of enhancing
55 educational programs in such interdistrict magnet schools, as the
56 commissioner determines. Such grants shall be made after the
57 commissioner has reviewed and approved the total operating budget
58 for such schools, including all revenue and expenditure estimates.

59 (3) [(A)] Each interdistrict magnet school operated by a regional
60 educational service center [that enrolls less than fifty-five per cent of
61 the school's students from a single town, or a regional educational
62 service center that enrolls less than sixty per cent of its students from
63 Hartford pursuant to the 2008 stipulation and order for Milo Sheff, et
64 al. v. William A. O'Neill, et al.,] shall receive a per pupil grant in the
65 amount of (i) six thousand two hundred fifty dollars for the fiscal year
66 ending June 30, 2006, (ii) six thousand five hundred dollars for the
67 fiscal year ending June 30, 2007, (iii) seven thousand sixty dollars for
68 the fiscal year ending June 30, 2008, (iv) seven thousand six hundred
69 twenty dollars for the fiscal year ending June 30, 2009, (v) eight
70 thousand one hundred eighty dollars for the fiscal year ending June 30,
71 2010, and (vi) eight thousand seven hundred forty-one dollars for the
72 fiscal year ending June 30, 2011.

73 [(B) Each interdistrict magnet school operated by a regional
74 educational service center that enrolls at least fifty-five per cent of the
75 school's students from a single town, or a regional educational service
76 center that enrolls at least sixty per cent of its students from Hartford
77 pursuant to the 2008 stipulation and order for Milo Sheff, et al. v.
78 William A. O'Neill, et al., shall receive a per pupil grant for each
79 enrolled student who is not a resident of the district that enrolls at least

80 fifty-five per cent of the school's students in the amount of (i) six
81 thousand sixteen dollars for the fiscal year ending June 30, 2008, (ii) six
82 thousand seven hundred thirty dollars for the fiscal year ending June
83 30, 2009, (iii) seven thousand four hundred forty dollars for the fiscal
84 year ending June 30, 2010, and (iv) eight thousand one hundred fifty-
85 eight dollars for the fiscal year ending June 30, 2011. The per pupil
86 grant for each enrolled student who is a resident of the district that
87 enrolls at least fifty-five per cent of the school's students shall be three
88 thousand dollars.]

89 (4) The amounts of the grants determined pursuant to this
90 subsection shall be proportionately adjusted, if necessary, within
91 available appropriations, and in no case shall any grant pursuant to
92 this section exceed the reasonable operating budget of the interdistrict
93 magnet school program, less revenues from other sources. Any
94 interdistrict magnet school program operating less than full-time, but
95 at least half-time, shall be eligible to receive a grant equal to sixty-five
96 per cent of the grant amount determined pursuant to this subsection.

97 (5) Within available appropriations, the commissioner may make
98 grants to the following entities that operate an interdistrict magnet
99 school that assists the state in meeting the goals of the 2008 stipulation
100 and order for Milo Sheff, et al. v. William A. O'Neill, et al., as
101 determined by the commissioner and that provide academic support
102 programs and summer school educational programs approved by the
103 commissioner to students participating in such interdistrict magnet
104 school program: (A) Regional educational service centers, (B) local and
105 regional boards of education, (C) the Board of Trustees of the
106 Community-Technical Colleges on behalf of a regional community-
107 technical college, (D) the Board of Trustees of the Connecticut State
108 University System on behalf of a state university, (E) the Board of
109 Trustees for The University of Connecticut on behalf of the university,
110 (F) the board of governors for an independent college or university, as
111 defined in section 10a-37, or the equivalent of such a board, on behalf
112 of the independent college or university, (G) cooperative arrangements

113 pursuant to section 10-158a, and (H) any other third-party not-for-
114 profit corporation approved by the commissioner.

115 (6) Within available appropriations, the Commissioner of Education
116 may make grants, in an amount not to exceed seventy-five thousand
117 dollars, for start-up costs associated with the development of new
118 interdistrict magnet school programs that assist the state in meeting
119 the goals of the 2008 stipulation and order for Milo Sheff, et al. v.
120 William A. O'Neill, et al., as determined by the commissioner, to the
121 following entities that develop such a program: (A) Regional
122 educational service centers, (B) local and regional boards of education,
123 (C) the Board of Trustees of the Community-Technical Colleges on
124 behalf of a regional community-technical college, (D) the Board of
125 Trustees of the Connecticut State University System on behalf of a state
126 university, (E) the Board of Trustees for The University of Connecticut
127 on behalf of the university, (F) the board of governors for an
128 independent college or university, as defined in section 10a-37, or the
129 equivalent of such a board, on behalf of the independent college or
130 university, (G) cooperative arrangements pursuant to section 10-158a,
131 and (H) any other third-party not-for-profit corporation approved by
132 the commissioner.

133 Sec. 3. Section 10-286 of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective from passage*):

135 (a) The amount of the grant approved by the Commissioner of
136 Education under the provisions of this chapter for any completed
137 school building project shall be computed as follows:

138 (1) For the fiscal year ending June 30, 1984, and each fiscal year
139 thereafter, in the case of a new school plant, an extension of an existing
140 school building or projects involving the major alteration of any
141 existing building to be used for school purposes, the eligible
142 percentage, as determined in section 10-285a, of the result of
143 multiplying together the number representing the highest projected
144 enrollment, based on data acceptable to the Commissioner of

145 Education, for such building during the eight-year period from the
146 date [a local or regional board of education files a notification of a
147 proposed school building project with] construction begins, as the
148 local or regional board of education so notifies the Department of
149 Education, the number of gross square feet per pupil determined by
150 the Commissioner of Education to be adequate for the kind of
151 educational program or programs intended, and the eligible cost of
152 such project, divided by the gross square feet of such building, or the
153 eligible percentage, as determined in section 10-285a, of the eligible
154 cost of such project, whichever is less, provided, (A) any such project
155 on which construction was started prior to July 1, 1975, shall be
156 reimbursed under the formula in effect prior to said date, (B) any such
157 project on which construction or payments under this chapter were
158 started after June 30, 1975, but prior to July 31, 1983, shall be
159 reimbursed based upon the data, submitted for each such project and
160 accepted by the Department of Education during said period,
161 representing the number of pupils the plant was designed to
162 accommodate, (C) any project for which final grant calculation has
163 been made after June 30, 1975, but prior to July 31, 1983, shall be
164 reimbursed based upon such final calculation, [and] (D) any such
165 project for which estimated grant payments were begun prior to July
166 31, 1983, shall be reimbursed based upon the calculation formula used
167 in making such estimated grant payments, and (E) any such project in
168 a district with schools in need of improvement may, without a change
169 in such district's reimbursement, reduce class size to improve
170 educational performance to a level not less than eighty per cent of the
171 highest projected enrollment submitted to the commissioner pursuant
172 to this subdivision, provided the school improvement plan filed with
173 the Department of Education tracks data on student achievement;

174 (2) In case of projects involving the purchase of an existing building
175 to be used for school purposes, the eligible percentage, as determined
176 in section 10-285a, of the eligible cost as determined by the
177 Commissioner of Education, provided any project for which an
178 application is made on or after July 1, 1995, involving the purchase and

179 renovation of an existing facility, may be exempt from the standard
180 space specifications, and otherwise ineligible repairs and replacements
181 may be considered eligible for reimbursement as part of such a project,
182 if information is provided acceptable to the commissioner
183 documenting the need for such work and the cost savings to the state
184 and the school district of such purchase and renovation project in
185 comparison to alternative construction options;

186 (3) If any school building project described in subdivisions (1) and
187 (2) of this subsection includes the construction, extension or major
188 alteration of outdoor athletic facilities, tennis courts or a natatorium,
189 gymnasium or auditorium, the grant for the construction of such
190 outdoor athletic facilities, tennis courts and natatorium shall be limited
191 to one-half of the eligible percentage for subdivisions (1) and (2) of the
192 net eligible cost of construction thereof; the grant for the construction
193 of an area of spectator seating in a gymnasium shall be one-half of the
194 eligible percentage for subdivisions (1) and (2) of the net eligible cost of
195 construction thereof; and the grant for the construction of the seating
196 area in an auditorium shall be limited to one-half of the eligible
197 percentage for subdivisions (1) and (2) of the net eligible cost of
198 construction of the portion of such area that seats one-half of the
199 projected enrollment of the building, as defined in subdivision (1) of
200 this subsection, which it serves;

201 (4) In the case of a regional agricultural science and technology
202 education center or the purchase of equipment pursuant to subsection
203 (a) of section 10-65 or a regional special education facility pursuant to
204 section 10-76e, an amount equal to the eligible cost of such project, as
205 determined by the Commissioner of Education;

206 (5) In the case of a public school administrative or service facility,
207 one-half of the eligible percentage for subdivisions (1) and (2) of this
208 subsection of the eligible project cost as determined by the
209 Commissioner of Education, or in the case of a regional educational
210 service center administrative or service facility, the eligible percentage,

211 as determined pursuant to subsection (c) of section 10-285a, of the
212 eligible project cost as determined by the commissioner;

213 (6) In the case of the total replacement of a roof or the total
214 replacement of a portion of a roof which has existed for at least twenty
215 years, or in the case of the total replacement of a roof or the total
216 replacement of a portion of a roof which has existed for fewer than
217 twenty years when it is determined by a registered architect or
218 registered engineer that such roof was improperly designed or
219 improperly constructed and the town is prohibited from recovery of
220 damages or has no other recourse at law or in equity, the eligible
221 percentage for subdivisions (1) and (2) of this subsection, of the eligible
222 cost as determined by the Commissioner of Education. In the case of
223 the total replacement of a roof or the total replacement of a portion of a
224 roof which has existed for fewer than twenty years (A) when it is
225 determined by a registered architect or registered engineer that such
226 roof was improperly designed or improperly constructed and the town
227 has recourse at law or in equity and recovers less than such eligible
228 cost, the eligible percentage for subdivisions (1) and (2) of this
229 subsection of the difference between such recovery and such eligible
230 cost, and (B) when the roof is at least fifteen years old but less than
231 twenty years old and it cannot be determined by a registered architect
232 or registered engineer that such roof was improperly designed or
233 improperly constructed, the eligible percentage for subdivisions (1)
234 and (2) of this subsection of the eligible project costs provided such
235 costs are multiplied by the ratio of the age of the roof to twenty years.
236 For purposes of this subparagraph, the age of the roof shall be
237 determined in whole years to the nearest year based on the time
238 between the completed installation of the old roof and the date of the
239 grant application for the school construction project for the new roof;

240 (7) For the fiscal year ending June 30, 1984, and for each fiscal year
241 thereafter, in the case of projects to correct code violations, the eligible
242 percentage, as determined in section 10-285a, of the eligible cost as
243 determined by the Commissioner of Education;

244 (8) In the case of a renovation project for which an application is
245 made on or after July 1, 1995, the eligible percentage as determined in
246 subsection (b) of section 10-285a, multiplied by the eligible costs as
247 determined by the commissioner, provided the project may be exempt
248 from the standard space specifications, and otherwise ineligible repairs
249 and replacements may be considered eligible for reimbursement as
250 part of such a project, if information is provided acceptable to the
251 commissioner documenting the need for such work and the cost
252 savings to the state and the school district of such renovation project in
253 comparison to alternative construction options;

254 (9) In the case of projects approved to remedy certified school
255 indoor air quality emergencies, the eligible percentage, as determined
256 in section 10-285a, of the eligible cost as determined by the
257 Commissioner of Education;

258 (10) In the case of a project involving a turn-key purchase for a
259 facility to be used for school purposes, the eligible percentage, as
260 determined in section 10-285a, of the net eligible cost as determined by
261 the Commissioner of Education, except that for any project involving
262 such a purchase for which an application is made on or after July 1,
263 2006, (A) final plans for all construction work included in the turn-key
264 purchase agreement shall be approved by the Commissioner of
265 Education in accordance with section 10-292, and (B) such project may
266 be exempt from the standard space specifications, and otherwise
267 ineligible repairs and replacements may be considered eligible for
268 reimbursement as part of such project, if information acceptable to the
269 commissioner documents the need for such work and that such a
270 purchase will cost less than constructing the facility in a different
271 manner and will result in a facility taking on a useful life comparable
272 to that of a new facility.

273 (b) (1) In the case of all grants computed under this section for a
274 project which constitutes a replacement, extension or major alteration
275 of a damaged or destroyed facility, no grant may be paid if a local or

276 regional board of education has failed to insure its facilities and capital
277 equipment in accordance with the provisions of section 10-220. The
278 amount of financial loss due to any damage or destruction to any such
279 facility, as determined by ascertaining the replacement value of such
280 damage or destruction, shall be deducted from project cost estimates
281 prior to computation of the grant.

282 (2) (A) In the case of any grants computed under this section for a
283 school building project authorized pursuant to section 10-283 after July
284 1, 1979, any federal funds or other state funds received for such school
285 building project shall be deducted from project costs prior to
286 computation of the grant.

287 (B) In the case of any grants computed under this section for a
288 school building project authorized pursuant to section 10-283 after July
289 1, 2008, except for any grants computed pursuant to section 10-283d, as
290 amended by this act, fifty per cent of any federal or private funds
291 received for such school building project shall be deducted from
292 project costs prior to computation of the grant.

293 (3) The limitation on grants for new outdoor athletic facilities, tennis
294 courts, natatorium, gymnasium and auditorium shall not apply to
295 school building projects for which applications for review of
296 preliminary plans and specifications on Form 2A were submitted prior
297 to October 1, 1975, in the case of towns and prior to October 15, 1975,
298 in the case of regional school districts.

299 (4) Commencing with the school construction projects authorized by
300 the General Assembly during the fiscal year ending June 30, 1985, and
301 for all such projects so authorized thereafter, the calculation of grants
302 pursuant to this section shall be made in accordance with the state
303 standard space specifications in effect at the time of the final audited
304 grant calculation, except that (A) on and after July 1, 2005, in the case
305 of a school district with an enrollment of less than one hundred fifty
306 students in grades kindergarten to grade eight, inclusive, state
307 standard space specifications shall not apply in the calculation of

308 grants pursuant to this section and the Commissioner of Education
309 may modify the standard space specifications for a project in such
310 district, and (B) on and after July 1, 1995, in the case of a school district
311 with an enrollment of less than nine hundred fifty students per school
312 in a school facility that serves pre-kindergarten to grade eight,
313 inclusive, state standard space specifications applied in the calculation
314 of grants pursuant to this section shall be one hundred sixty-five
315 square feet per student, provided the school facility shall include space
316 for special education services, in-school suspension space, a full-size
317 gymnasium and a school-based health center, on condition that failure
318 to include any or all of such spaces shall result in a space standard
319 reduction of five square feet per student for each such space omitted.

320 (c) In the computation of grants pursuant to this section for any
321 school building project authorized by the General Assembly pursuant
322 to section 10-283 (1) after January 1, 1993, any maximum square
323 footage per pupil limit established pursuant to this chapter or any
324 regulation adopted by the State Board of Education pursuant to this
325 chapter shall be increased by twenty-five per cent for a building
326 constructed prior to 1950; (2) after January 1, 2004, any maximum
327 square footage per pupil limit established pursuant to this chapter or
328 any regulation adopted by the State Board of Education pursuant to
329 this chapter shall be increased by up to one per cent to accommodate a
330 heating, ventilation or air conditioning system, if needed; and (3) after
331 July 1, 2006, for projects with total authorized project costs greater than
332 ten million dollars, if total construction change orders or other change
333 directives otherwise eligible for grant assistance under this chapter
334 exceed five per cent of the authorized total project cost, only fifty per
335 cent of the amount of such change order or other change directives in
336 excess of five per cent shall be eligible for grant assistance.

337 (d) For any school building project receiving state grant assistance
338 under this chapter, all change orders or other change directives issued
339 for such project on or after July 1, 2008, shall be submitted, not later
340 than six months after the date of such issuance, to the Commissioner of

341 Education, in a manner prescribed by the commissioner. Only change
342 orders or other change directives submitted to the commissioner in
343 accordance with this subsection shall be eligible for state grant
344 assistance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-264h(c)
Sec. 2	<i>from passage</i>	10-264l(c)
Sec. 3	<i>from passage</i>	10-286

Statement of Purpose:

To provide additional state support for certain school programs, to allow school districts more time to reach the highest projected enrollment, and to revise space standards to allow for the space needs of schools that serve grades pre-kindergarten through eight.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]